



HC0001HAM002

LRB098 02703 RLC 57516 a

1                                    AMENDMENT TO HOUSE JOINT RESOLUTION  
2                                    CONSTITUTIONAL AMENDMENT 1

3            AMENDMENT    NO.    \_\_\_\_ .    Amend    House    Joint    Resolution  
4    Constitutional Amendment 1 by replacing lines 3 through 23 on  
5    page 1 and all of pages 2 through 4 with the following:

6            "RESOLVED,    BY    THE    HOUSE    OF    REPRESENTATIVES    OF    THE  
7    NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
8    SENATE CONCURRING HEREIN, that there shall be submitted to the  
9    electors of the State for adoption or rejection at the general  
10    election next occurring at least 6 months after the adoption of  
11    this resolution a proposition to amend Section 8.1 of Article I  
12    of the Illinois Constitution as follows:

13                                    ARTICLE I  
14                                    BILL OF RIGHTS

15                    (ILCON Art. 1, Sec. 8.1)

16    SECTION 8.1. CRIME VICTIMS' ~~VICTIM'S~~ RIGHTS.

1 (a) Crime victims, as defined by law, shall have the  
2 following rights ~~as provided by law~~:

3 (1) The right to be treated with fairness and respect  
4 for their dignity and privacy and to be free from  
5 harassment, intimidation, and abuse throughout the  
6 criminal justice process.

7 (2) The right to notice and to a hearing before a court  
8 ruling on a request for access to any of the victim's  
9 records, information, or communications which are  
10 privileged or confidential by law.

11 (3) ~~(2)~~ The right to timely notification of all court  
12 proceedings.

13 (4) ~~(3)~~ The right to communicate with the prosecution.

14 (5) ~~(4)~~ The right to be heard at any post-arraignment  
15 court proceeding in which a right of the victim is at issue  
16 and any court proceeding involving a post-arraignment  
17 release decision, plea, or sentencing ~~make a statement to~~  
18 ~~the court at sentencing.~~

19 (6) ~~(5)~~ The right to be notified of ~~information about~~  
20 the conviction, the sentence, the imprisonment, and the  
21 release of the accused.

22 (7) ~~(6)~~ The right to timely disposition of the case  
23 following the arrest of the accused.

24 (8) ~~(7)~~ The right to be reasonably protected from the  
25 accused throughout the criminal justice process.

26 (9) The right to have the safety of the victim and the

1 victim's family considered in denying or fixing the amount  
2 of bail, determining whether to release the defendant, and  
3 setting conditions of release after arrest and conviction.

4 (10) ~~(8)~~ The right to be present at the trial and all  
5 other court proceedings on the same basis as the accused,  
6 unless the victim is to testify and the court determines  
7 that the victim's testimony would be materially affected if  
8 the victim hears other testimony at the trial.

9 (11) ~~(9)~~ The right to have present at all court  
10 proceedings, subject to the rules of evidence, an advocate  
11 and ~~or~~ other support person of the victim's choice.

12 (12) ~~(10)~~ The right to restitution.

13 (b) The victim has standing to assert the rights enumerated  
14 in subsection (a) in any court exercising jurisdiction over the  
15 case. The court shall promptly rule on a victim's request. The  
16 victim does not have party status. The accused does not have  
17 standing to assert the rights of a victim. The court shall not  
18 appoint an attorney for the victim under this Section. Nothing  
19 in this Section shall be construed to alter the powers, duties,  
20 and responsibilities of the prosecuting attorney ~~The General~~  
21 ~~Assembly may provide by law for the enforcement of this~~  
22 ~~Section.~~

23 (c) The General Assembly may provide for an assessment  
24 against convicted defendants to pay for crime victims' rights.

25 (d) Nothing in this Section or any law enacted under this  
26 Section creates a cause of action in equity or at law for

1 compensation, attorney's fees, or damages against the State, a  
2 political subdivision of the State, an officer, employee, or  
3 agent of the State or of any political subdivision of the  
4 State, or an officer or employee of the court. ~~or in any law~~  
5 ~~enacted under~~

6 (e) Nothing in this Section or any law enacted under this  
7 Section shall be construed as creating (1) a basis for vacating  
8 a conviction or (2) a ground for any relief requested by the  
9 defendant ~~appellate relief in any criminal case.~~

10 (Source: Amendment adopted at general election November 3,  
11 1992.)

12 SCHEDULE

13 This Constitutional Amendment takes effect upon being  
14 declared adopted in accordance with Section 7 of the Illinois  
15 Constitutional Amendment Act.".